

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

HIGHLAND CAPITAL §  
MANAGEMENT, LP., §  
*Plaintiff,* §  
§  
v. §  
§  
CITIGROUP GLOBAL MARKETS, §  
INC., BABSON CAPITAL §  
MANAGEMENT LLC, and THE BANK §  
OF NEW YORK MELLON TRUST, §  
N.A., §  
*Defendants.* §

NO. 3:12-CV-01100

**PLAINTIFF'S APPENDIX TO**  
**REPLY IN SUPPORT OF SUPPLEMENTAL MOTION TO REMAND**

Plaintiff Highland Capital Management, L.P. ("Highland") files its Appendix to its Reply in Support of its Supplemental Motion to Remand and would show the Court as follows:

<b><u>Description</u></b>	<b><u>Appendix Pages</u></b>
Declaration of Lewis T. LeClair	Appendix 1-2
Exhibit A: Apr. 6, 2012 Citation and Officer's Return for Babson Capital Management LLC.	Appendix 3-4
Exhibit B: Apr. 6, 2012 Citation and Officer's Return for Citigroup Global Markets, Inc.	Appendix 5-6

Dated: June 22, 2012

Respectfully submitted,

**McKOOL SMITH P.C.**

By: /s/ Lewis LeClair

Lewis LeClair

Texas State Bar No. 12072500

300 Crescent Court, Suite 1500

Dallas, TX 75201

Telephone: (214) 978-4000

Facsimile: (214) 978-4044

**ATTORNEYS FOR PLAINTIFF,  
HIGHLAND CAPITAL MANAGEMENT, L.P.**

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing has been served on all counsel of record on this the 22nd day of June, 2012 through the CM/ECF system.

/s/ Lewis LeClair  
Lewis LeClair

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

HIGHLAND CAPITAL  
MANAGEMENT, LP.,

*Plaintiff,*

v.

CITIGROUP GLOBAL MARKETS,  
INC., BABSON CAPITAL  
MANAGEMENT LLC, and THE BANK  
OF NEW YORK MELLON TRUST,  
N.A.,

*Defendants.*

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NO. 3:12-CV-01100

**DECLARATION OF LEWIS T. LECLAIR**

I, Lewis T. LeClair, hereby declare under penalty of perjury that the facts set forth herein are true and correct to the best of my personal knowledge, and, if called as a witness, I could and would testify competently as set out below:

1. I am over 18 years of age and have never been convicted of a crime involving moral turpitude and am otherwise competent to make this declaration.
2. I am a principal of McKool Smith P.C. I am the lead counsel for Highland Capital Management, L.P. in this matter.
3. Attached hereto as Exhibit A are true and correct copies of the Citation and Officer's Return for Babson Capital Management LLC.
4. Attached hereto as Exhibit B are true and correct copies of the Citation and Officer's Return for Citigroup Global Markets, Inc.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

This Declaration is executed this 22nd day of June, 2012.

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LEWIS T. LECLAIR

# EXHIBIT A

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To: BABSON CAPITAL MANAGEMENT, LLC BE SERVED THROUGH ITS REGISTERED  
AGENT CT CORPORATION SYSTEM  
350 N ST PAUL ST STE 2900  
DALLAS TX 75201-4234

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 101st District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **HIGHLAND CAPITAL MANAGEMENT LP**

Filed in said Court **5th day of April, 2012** against

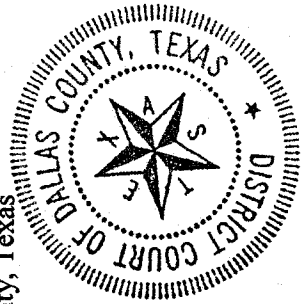
**CITIGROUP GLOBAL MARKETS INC., ETAL**

For Suit, said suit being numbered **DC-12-03783**, the nature of which demand is as follows:  
Suit on **OTHER CONTRACT** etc. as shown on said petition,  
a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 6th day of April, 2012.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County, Texas

By *Evette Lamb*, Deputy  
EVETTE LAMB



**ATTY**

**2012 APR 12**

**AM 11:22 CITATION**

GARY FITZSIMMONS  
DISTRICT CLERK  
DALLAS CO., TEXAS

DEPUTY

**DC-12-03783**

**HIGHLAND CAPITAL  
MANAGEMENT LP  
vs.  
CITIGROUP GLOBAL  
MARKETS INC, et al**

**ISSUED THIS  
6th day of April, 2012**

**GARY FITZSIMMONS  
Clerk District Courts,  
Dallas County, Texas**

By: EVETTE LAMB, Deputy

**Attorney for Plaintiff**  
Lewis Titus Leclair  
300 Crescent Court, STE 1500  
Dallas Tx 75201  
214-978-4984

**DALLAS COUNTY CONSTABLE  
FEES  
PAID  
FEEES NOT  
PAID**

## OFFICER'S RETURN

Case No. : DC-12-03783

Court No. 101st District Court

Style: HIGHLAND CAPITAL MANAGEMENT LP

vs.

CITIGROUP GLOBAL MARKETS INC et al

Came to hand on the 6<sup>th</sup> day of April, 20 12, at 12:05 o'clock P. M. Executed at 350 N. St. Paul, Ste 2900 Dallas Tx 75201  
 within the County of Dallas at 12:25 o'clock P. M. on the 6<sup>th</sup> day of April  
 20 12, by delivering to the within named

Babson Capital Management, LLC by delivering to CT Corporation  
System by leaving with Amber Carruth, Authorized Agent

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
 me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_

For mileage \$ \_\_\_\_\_

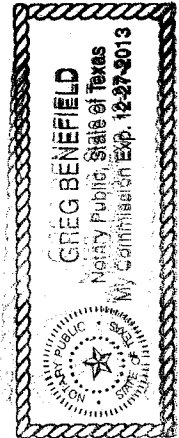
For Notary \$ \_\_\_\_\_

Adam Bridgewater SCH237 exp 7/31/14  
 of Dallas County, Tx  
 By Adam Bridgewater Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Adam Bridgewater before me this 10<sup>th</sup> day of April, 20 12.

to certify which witness my hand and seal of office.



Greg Benefield  
 Notary Public Dallas County, Texas

## EXHIBIT B



FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS

To: CITIGROUP GLOBAL MARKETS INC BE SERVED THROUGH ITS REGISTERED  
AGENT CT CORPORATION SYSTEM  
350 N ST PAUL ST STE 2900  
DALLAS TX 75201-4234

GREETINGS:

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Said Plaintiff being **HIGHLAND CAPITAL MANAGEMENT LP**

Filed in said Court 5th day of April, 2012 against

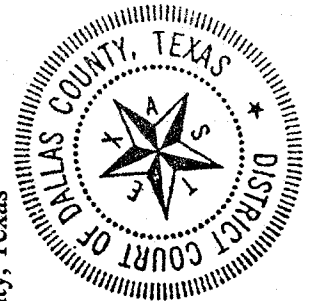
**CITIGROUP GLOBAL MARKETS INC., ETAL**

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Given under my hand and the Seal of said Court at office this 6th day of April, 2012.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County, Texas

By *Evette Lamb*, Deputy  
EVETTE LAMB



FILED  
2012 APR 12 AM 11:21  
GARY FITZSIMMONS  
CLERK  
DALLAS CO., TEXAS  
DEPUTY

ATTY

CITATION

DC-12-03783

HIGHLAND CAPITAL  
MANAGEMENT LP  
vs.  
CITIGROUP GLOBAL  
MARKETS INC, et al

ISSUED THIS  
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Clerk District Courts,  
Dallas County, Texas

By: EVETTE LAMB, Deputy

Attorney for Plaintiff  
Lewis Titus Leclair  
300 Crescent Court, STE 1500  
Dallas Tx 75201  
214-978-4984

DALLAS COUNTY CONSTABLE  
FEES PAID  
FEES NOT PAID

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For serving Citation \$ \_\_\_\_\_  
 For mileage \$ \_\_\_\_\_  
 For Notary \$ \_\_\_\_\_

Adam Bridgewater sch 237 exp 7/31/14  
 of Dallas County Tx  
 By Adam Bridgewater Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Adam Bridgewater before me this 10<sup>th</sup> day of April, 20 12.

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Greg Benefield  
 Notary Public Dallas County Texas

